



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,880	05/25/2001	Gustav Tappe	LE 00 022	8018

23416 7590 09/02/2003

CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON, DE 19899

EXAMINER

LE, HOA VAN

ART UNIT	PAPER NUMBER
1752	

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/865,880	TAPPE ET AL.	
	Examiner Hoa V. Le	Art Unit 1752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 July 2003 and 22 August 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 13-16, 19-21 and 25-58 is/are pending in the application.
- 4a) Of the above claim(s) 31, 46 and 47 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) See Continuation Sheet is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 13-16, 19-21 and 25-58 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

Continuation of Disposition of Claims: Claims rejected are 13-16, 19-21, 25-31, 33-45 and 48-58 with independent claim 13 as the main invention and with respect to the elected and applied species.

This is in response to the Election filed on 22 August 2003.

I. The record shows that applicants agree to the record made in the Office action mailed on 24 September 2003 and elect one single invention of Group I, of claims (13-16, 19-21, 25-31, 33-45 and 48-48) with independent claim 13 as the main invention with traverse. The traversal is on the ground that an addition search is not burdensome. It is not found to be convincing, an additional search is burdensome. The species election requirements are also elected. The elected species have been considered and search. The consideration and search are extended to the applied species. Other non-elected species have not been considered, searched or examined until all of the elected and applied species are overcome.

III. (1) A careful studying of the invention in the instant application shows that the claimed amounts of the chemical ingredients in the claimed "concentrate" are also within those in the "ready-to-use" compositions known in the art. Please see EP 0 532 042 on page 79 as submitted by applicants. Therefore, patenably different or distinct between "concentrate" and "read-to-use" is not given or considered. It is considered as a mater of selection. Applicants are urged to show or provide an evidence to the contrary. In the absence of convincing evidence, an argument alone would has and be given a little to no value.

(2) The language "concentrate" in the claims has and is given a limited value since at least the main invention of claim 13 contains less than 0.1 mol/l of a bleaching agent, less than 0.2 mol/l of a sulfite and less than 0.5 mol/l of thiosulfate. These amounts are found to be much

lower than those in a known or conventional ready-to-use bleach-fixing composition. Evidence can be seen in least in EP 0 532 042 on page 79 as submitted by applicants.

(3) The claims will be continued to be rejected until the issue of an amount of each of the requisite chemical ingredients is overcome. There are above more than a dozen of references are found. Applicants will have a change to see how they will be applied a few at a time.

IV. The independent claim 13 is considered as the main invention. Claims 14-16, 19-21, 25-31, 33-45 and 48-58) are considered as the secondary embodiments and are permitted to be rejoined with their independent claim 13 if the main invention of the independent claim 13 is found to be allowable.

IV. A. Claims 13-16, 19-21, 25-31, 33-45 and 48-58 with independent claim 1 as the main invention are rejected under 35 U.S.C. 102(b) as being anticipated by Meckl et al (3,293,036) on the record.

(1) A careful studying of the invention in the instant application shows that the claimed amounts of the chemical ingredients in the claimed concentrate are also within those in the "ready-to-use" compositions known in the art. Please see EP 0 532 042 on page 79 as submitted by applicants. Therefore, patenably different or distinct between "concentrate" and "read-to-use" is not given or considered. It is considered as a mater of selection. Applicants are urged to show or provide an evidence to the contrary. In the absence of convincing evidence, an argument alone would has and be given a little to no value.

Art Unit: 1752

(2) The above claims are related to a material. (i) However, the language "can be conversed" or "dilution:" is related to a processing step. It has and given a little to no value in a material claim. (ii) The language "wherein said concentration...bleach-fixing bath" is considered as an intended use only. It would have and be considered a full value in a process of making a ready-to-use composition claim only.

Merkel et al disclose, teach and suggest a composition comprising a bleach agent, a fixing agent, a sulfite and more than 0.01 mol/l of phosphate. Since Merkel et al disclose, teach and suggest the requisite chemical ingredients and the amount of phosphate, the above claims are found to be anticipated by Merkel et al.

B. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-16, 19-21, 25-31, 33-45 and 48-58 with independent claim 13 as the main invention rejected under 35 U.S.C. 103(a) as being unpatentable over Merkel et al and Marchesano (4,987,060).

(1) A careful studying of the invention in the instant application shows that the claimed amounts of the chemical ingredients in the claimed concentrate are also within those in the "ready-to-use" compositions known in the art. Please see EP 0 532 042 on page 79 as submitted by applicants. Therefore, patenably different or distinct between "concentrate" and "read-to-use" is not given or considered. It is considered as a mater of selection. Applicants are urged to show

Art Unit: 1752

or provide an evidence to the contrary. In the absence of convincing evidence, an argument alone would have and be given a little to no value.

(2) The above claims are related to a material. (i) However, the language "can be conversed" or "dilution:" is related to a processing step. It has and given a little to no value in a material claim. (ii) The language "wherein said concentration...bleach-fixing bath" is considered as an intended use only. It would have and be considered a full value in a process of making a ready-to-use composition claim only.

Merkel et al disclose, teach and suggest a composition comprising a bleach agent, a fixing agent, a sulfite and more than 0.01 mol/l of phosphate. It is conventional and well known in the art to make a photographic processing composition in a concentrated form and diluted with water to obtain a read-to-use processing composition for benefits of small space for storage and less cost in transportation. Evidence can be seen in at least Marchesano at Examples. No specific chemical composition or its chemical ingredient is suggested in Marchesano. Since the above references are related to chemical processing compositions, it would have been obvious to one having ordinary skill in the art at the time the invention was made to cite a conventional or well known in the art to make and obtain both photographic concentrated and read-to-use compositions from the secondary reference for the desired advantages of small space for storage and less cost in transportation as disclosed, taught, suggested and obtained in the secondary reference. Applicants should show an evidence to the contrary. In the absence of convincing evidence, the applied references would not be removed. The showings in the instant application has been considered but have and are given no value as carefully compared them with the claims as broadly disclosed. An allowability may be considered when the claimed limitations with

Art Unit: 1752

respect to an amount of each of the chemical ingredients are come much close to those in the showings.

V. (A) Claims 13-16, 19-21, 25-31, 33-45 and 48-58 with independent claim13 as the main invention are rejected under 35 U.S.C. 102(b) as being anticipated by Ohkubo et al (3,591,380) on the record.

(1) A careful studying of the invention in the instant application shows that the claimed amounts of the chemical ingredients in the claimed concentrate are also within those in the "ready-to-use" compositions known in the art. Please see EP 0 532 042 on page 79 as submitted by applicants. Therefore, patenably different or distinct between "concentrate" and "read-to-use" is not given or considered. It is considered as a mater of selection. Applicants are urged to show or provide an evidence to the contrary. In the absence of convincing evidence, an argument alone would has and be given a little to no value.

(2) The above claims are related to a material. (i) However, the language "can be conversed" or "dilution:" is related to a processing step. It has and given a little to no value in a material claim. (ii) The language "wherein said concentration...bleach-fixing bath" is considered as an intended use only. It would have and be considered a full value in a process of making a ready-to-use composition claim only.

Ohkubo et al disclose, teach and suggest a composition comprising a bleach agent, a fixing agent, a sulfite and more than 0.01 mol/l of phosphate. Please see col.4:33-43. Since Ohkubo et al disclose, teach and suggest the requisite chemical ingredients and the amount of phosphate, the above claims are found to be anticipated by Ohkubo et al.

B. Claims 13-16, 19-21, 25-31, 33-45 and 48-58 with independent claim 13 as the main invention rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkubo et al (3,591,380) and Marchesano (4,987,060).

(1) A careful studying of the invention in the instant application shows that the claimed amounts of the chemical ingredients in the claimed concentrate are also within those in the "ready-to-use" compositions known in the art. Please see EP 0 532 042 on page 79 as submitted by applicants. Therefore, patenably different or distinct between "concentrate" and "read-to-use" is not given or considered. It is considered as a mater of selection. Applicants are urged to show or provide an evidence to the contrary. In the absence of convincing evidence, an argument alone would has and be given a little to no value.

(2) The above claims are related to a material. (i) However, the language "can be conversed" or "dilution:" is related to a processing step. It has and given a little to no value in a material claim. (ii) The language "wherein said concentration...bleach-fixing bath" is considered as an intended use only. It would have and be considered a full value in a process of making a ready-to-use composition claim only.

Ohkubo et al disclose, teach and suggest a composition comprising a bleach agent, a fixing agent, a sulfite and more than 0.01 mol/l of phosphate. Please see col.4:33-43. It is conventional and well known in the art to make a photographic processing composition in a concentrated form and diluted with water to obtain a read-to-use processing composition for benefits of small space for storage and less cost in transportation. Evidence can be seen in at least Marchesano at Examples. No specific chemical composition or its chemical ingredient is

Art Unit: 1752

suggested in Marchesano. Since the above references are related to chemical processing compositions, it would have been obvious to one having ordinary skill in the art at the time the invention was made to cite a conventional or well known in the art to make and obtain both photographic concentrated and read-to-use compositions from the secondary reference for the desired advantages of small space for storage and less cost in transportation as disclosed, taught, suggested and obtained in the secondary reference. Applicants should show an evidence to the contrary. In the absence of convincing evidence, the applied references would not be removed. The showings in the instant application has been considered but have and are given no value as carefully compared them with the claims as broadly disclosed. An allowability may be considered when the claimed limitations with respect to an amount of each of the chemical ingredients are come much close to those in the showings.

VI. (A) Claims 13-16, 19-21, 25-31, 33-45 and 48-58 with independent claim 13 as the main invention are rejected under 35 U.S.C. 102(b) as being anticipated by Schranz et al (3,879,203) on the record.

(1) A careful studying of the invention in the instant application shows that the claimed amounts of the chemical ingredients in the claimed concentrate are also within those in the "ready-to-use" compositions known in the art. Please see EP 0 532 042 on page 79 as submitted by applicants. Therefore, patenably different or distinct between "concentrate" and "read-to-use" is not given or considered. It is considered as a mater of selection. Applicants are urged to show or provide an evidence to the contrary. In the absence of convincing evidence, an argument alone would has and be given a little to no value.

Art Unit: 1752

(2) The above claims are related to a material. (i) However, the language "can be conversed" or "dilution:" is related to a processing step. It has and given a little to no value in a material claim. (ii) The language "wherein said concentration...bleach-fixing bath" is considered as an intended use only. It would have and be considered a full value in a process of making a ready-to-use composition claim only.

Schranz et al disclose, teach and suggest a composition comprising a bleach agent, a fixing agent, a sulfite and more than 0.01 mol/l of phosphate. Please see col.5:67 to 6:9. Since Schranz et al disclose, teach and suggest the requisite chemical ingredients and the amount of phosphate, the above claims are found to be anticipated by Schranz et al.

(B) Claims 13-16, 19-21, 25-31, 33-45 and 48-58 with independent claim13 as the main invention rejected under 35 U.S.C. 103(a) as being unpatentable over Schranz et al (3,879,203) and Marchesano (4,987,060).

(1) A careful studying of the invention in the instant application shows that the claimed amounts of the chemical ingredients in the claimed concentrate are also within those in the "ready-to-use" compositions known in the art. Please see EP 0 532 042 on page 79 as submitted by applicants. Therefore, patenably different or distinct between "concentrate" and "read-to-use" is not given or considered. It is considered as a mater of selection. Applicants are urged to show or provide an evidence to the contrary. In the absence of convincing evidence, an argument alone would has and be given a little to no value.

(2) The above claims are related to a material. (i) However, the language "can be conversed" or "dilution:" is related to a processing step. It has and given a little to no value in a

Art Unit: 1752

material claim. (ii) The language "wherein said concentration...bleach-fixing bath" is considered as an intended use only. It would have and be considered a full value in a process of making a ready-to-use composition claim only.

Schranz et al disclose, teach and suggest a composition comprising a bleach agent, a fixing agent, a sulfite and more than 0.01 mol/l of phosphate. Please see col.5:67 to 6:9. It is conventional and well known in the art to make a photographic processing composition in a concentrated form and diluted with water to obtain a read-to-use processing composition for benefits of small space for storage and less cost in transportation. Evidence can be seen in at least Marchesano at Examples. No specific chemical composition or its chemical ingredient is suggested in Marchesano. Since the above references are related to chemical processing compositions, it would have been obvious to one having ordinary skill in the art at the time the invention was made to cite a conventional or well known in the art to made and obtain both photographic concentrated and read-to-use compositions from the secondary reference for the desired advantages of small space for storage and less cost in transportation as disclosed, taught, suggested and obtained in the secondary reference. Applicants should show an evidence to the contrary. In the absence of convincing evidence, the applied references would not be removed. The showings in the instant application has been considered but have and are given no value as carefully compared them with the claims as broadly disclosed. An allowability may be considered when the claimed limitations with respect to an amount of each of the chemical ingredients are come much close to those in the showings.

Art Unit: 1752

VI. Claims 13-16, 19-21, 25-31, 33-45 and 48-58 with independent claim 13 as the main invention rejected under 35 U.S.C. 103(a) as being unpatentable over Merkl et al and Marchesano (4,987,060) and Papai (6,221,570).

(1) A careful studying of the invention in the instant application shows that the claimed amounts of the chemical ingredients in the claimed concentrate are also within those in the "ready-to-use" compositions known in the art. Please see EP 0 532 042 on page 79 as submitted by applicants. Therefore, patenably different or distinct between "concentrate" and "read-to-use" is not given or considered. It is considered as a mater of selection. Applicants are urged to show or provide an evidence to the contrary. In the absence of convincing evidence, an argument alone would has and be given a little to no value.

(2) The above claims are related to a material. (i) However, the language "can be conversed" or "dilution:" is related to a processing step. It has and given a little to no value in a material claim. (ii) The language "wherein said concentration...bleach-fixing bath" is considered as an intended use only. It would have and be considered a full value in a process of making a ready-to-use composition claim only.

Merkl et al disclose, teach and suggest a composition comprising a bleach agent, a fixing agent, a sulfite and more than 0.01 mol/l of phosphate. It is conventional and well known in the art to make a photographic processing composition in a concentrated form and diluted with water to obtain a read-to-use processing composition for benefits of small space for storage and less cost in transportation. Evidence can be seen in at least Marchesano at Examples. No specific chemical composition or its chemical ingredient is suggested in Marchesano. Papai is further cited to show the teaching and suggestion of a pH of a bleach-fixing composition. Please see

Art Unit: 1752

col.4:55-59. Since the above references are related to chemical processing compositions, it would have been obvious to one having ordinary skill in the art at the time the invention was made to cite a conventional or well known in the art to make and obtain both photographic concentrated and ready-to-use compositions from Marchesano for the desired advantages of small space for storage and less cost in transportation as disclosed, taught, suggested and obtained in Marchesano and conventional pH value in the art as that in Papai. Applicants should show an evidence to the contrary. In the absence of convincing evidence, the applied references would not be removed. The showings in the instant application has been considered but have and are given no value as carefully compared them with the claims as broadly disclosed. An allowability may be considered when the claimed limitations with respect to an amount of each of the chemical ingredients are come much close to those in the showings.

VII. Claims 13-16, 19-21, 25-31, 33-45 and 48-58 with independent claim13 as the main invention rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkubo et al (3,591, 380)) and Marchesano (4,987,060) and Papai (6,221,570).

(1) A careful studying of the invention in the instant application shows that the claimed amounts of the chemical ingredients in the claimed concentrate are also within those in the “ready-to-use” compositions known in the art. Please see EP 0 532 042 on page 79 as submitted by applicants. Therefore, patenably different or distinct between “concentrate” and “read-to-use” is not given or considered. It is considered as a mater of selection. Applicants are urged to show or provide an evidence to the contrary. In the absence of convincing evidence, an argument alone would has and be given a little to no value.

(2) The above claims are related to a material. (i) However, the language "can be conversed" or "dilution:" is related to a processing step. It has and given a little to no value in a material claim. (ii) The language "wherein said concentration...bleach-fixing bath" is considered as an intended use only. It would have and be considered a full value in a process of making a ready-to-use composition claim only.

Ohkubo et al disclose, teach and suggest a composition comprising a bleach agent, a fixing agent, a sulfite and more than 0.01 mol/l of phosphate. Please see col.4:33-43. It is conventional and well known in the art to make a photographic processing composition in a concentrated form and diluted with water to obtain a read-to-use processing composition for benefits of small space for storage and less cost in transportation. Evidence can be seen in at least Marchesano at Examples. No specific chemical composition or its chemical ingredient is suggested in Marchesano. Papai is further cited to show the teaching and suggestion of a pH of a bleach-fixing composition. Please see col.4:55-59. Since the above references are related to chemical processing compositions, it would have been obvious to one having ordinary skill in the art at the time the invention was made to cite a conventional or well known in the art to make and obtain both photographic concentrated and read-to-use compositions from Marchesano for the desired advantages of small space for storage and less cost in transportation as disclosed, taught, suggested and obtained in Marchesano and conventional pH value in the art as that in Papai. Applicants should show an evidence to the contrary. In the absence of convincing evidence, the applied references would not be removed. The showings in the instant application has been considered but have and are given no value as carefully compared them with the claims as broadly disclosed. An allowability may be considered when the claimed limitations with

Art Unit: 1752

respect to an amount of each of the chemical ingredients are come much close to those in the showings.

VIII. (B) Claims 13-16, 19-21, 25-31, 33-45 and 48-58 with independent claim 13 as the main invention rejected under 35 U.S.C. 103(a) as being unpatentable over Schranz et al (3,879,203) and Marchesano (4,987,060) and Papai (6,221,570).

(1) A careful studying of the invention in the instant application shows that the claimed amounts of the chemical ingredients in the claimed concentrate are also within those in the "ready-to-use" compositions known in the art. Please see EP 0 532 042 on page 79 as submitted by applicants. Therefore, patenably different or distinct between "concentrate" and "read-to-use" is not given or considered. It is considered as a mater of selection. Applicants are urged to show or provide an evidence to the contrary. In the absence of convincing evidence, an argument alone would has and be given a little to no value.

(2) The above claims are related to a material. (i) However, the language "can be conversed" or "dilution:" is related to a processing step. It has and given a little to no value in a material claim. (ii) The language "wherein said concentration...bleach-fixing bath" is considered as an intended use only. It would have and be considered a full value in a process of making a ready-to-use composition claim only.

Schranz et al disclose, teach and suggest a composition comprising a bleach agent, a fixing agent, a sulfite and more than 0.01 mol/l of phosphate. Please see col.5:67 to 6:9. It is conventional and well known in the art to make a photographic processing composition in a concentrated form and diluted with water to obtain a read-to-use processing composition for

benefits of small space for storage and less cost in transportation. Evidence can be seen in at least Marchesano at Examples. No specific chemical composition or its chemical ingredient is suggested in Marchesano. . Papai is further cited to show the teaching and suggestion of a pH of a bleach-fixing composition. Please see col.4:55-59. Since the above references are related to chemical processing compositions, it would have been obvious to one having ordinary skill in the art at the time the invention was made to cite a conventional or well known in the art to made and obtain both photographic concentrated and read-to-use compositions from Marchesano for the desired advantages of small space for storage and less cost in transportation as disclosed, taught, suggested and obtained in Marchesano and conventional pH value in the art as that in Papai. Applicants should show an evidence to the contrary. In the absence of convincing evidence, the applied references would not be removed. The showings in the instant application has been considered but have and are given no value as carefully compared them with the claims as broadly disclosed. An allowability may be considered when the claimed limitations with respect to an amount of each of the chemical ingredients are come much close to those in the showings.

IX. It is foreseen that the next Office action would not be an allowance. It would need at least several additional Office actions to (1) resolve all of the main issues, especially with a specific amount of each of the requisite of chemical ingredients in the claims as clearly pointed out an set forth on the record and (2) go on with three or four references of about a dozen of phosphate containing composition alone. The record shows that no consideration or search has been made with the remain nitrate and bromide.

X. Applicant's arguments filed 30 July 2003 have been fully considered but they are not persuasive.

Applicants recognize that there is no different or distinct amount of the requisite chemical ingredients between the claimed "concentrate" and those known "ready-to-use" composition (Please see EP 0 532 042 on page 79 as submitted by applicants) as clearly pointed out and set forth on the record. It is only *a mater of a selection*. Applicants are urged to resolve the issue of *a mater of selection* such as an amount of each of the requisite chemical ingredients being disclosed in a **continuation application only**. Then any advantage to be reasonably commensurate in scope of the claims as compared to any of the showings is considered and examined. Presently, no advantage is considered because it is not reasonably commensurate in scope with the claims as broadly disclosed. Applicants should show or provide and evidence to the contrary.

Applicants pointed out that the concentrated compositions in Examples 1 and 2 have some advantages. However, the claims is not reasonably or sufficiently limited to the about amounts of the requisite chemical ingredients in those Examples. Accordingly, the arguments have and given no value as clearly pointed out and set forth on the record.

XI. An amendment including a new embodiment or issue such as an amount of each of the requisite chemical ingredients will not be entered or considered at this late stated of the prosecution. Applicants are now notified.

XII. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

XIII. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa V. Le whose telephone number is 703-308-2295. The examiner can normally be reached on 6:30AM-5:00PM, M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Baxter can be reached on 703-308-2303. The fax phone numbers of the examiner is 703-746-7172. Since there is a newly electronic filing procedure for all initial communicating papers and all responses to an Office action, the examiner fax phone number is not for use to receive any fax in response to an Office action. Applicant is requested and required

Art Unit: 1752

to send all initial communicating papers and all response to Office action to a central paper or fax receiving center for an electronic scanning procedure.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Hoa V. Le
Primary Examiner
Art Unit 1752

HVL
28 August 2003

HOA VAN LE
PRIMARY EXAMINER
Hoa Van Le